

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Carey Nachenberg et al.

Application No.: 10/046,496

Filing Date: October 29, 2001

Title: Temporal Access Control for Computer  
Virus Outbreaks

Confirmation No.: 3384

Group Art Unit: 2137

Examiner: Jeffery L. Williams

Attorney Docket No.: 44420423-5957

**INFORMATION DISCLOSURE  
STATEMENT**

SONNENSCHN NATH & ROSENTHAL LLP  
Customer No. 45969

M/S AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope addressed to: M/S Amendment, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
August 15, 2005.

SONNENSCHN NATH & ROSENTHAL LLP

Dated: 8/15/05 By: Edward J. Radlo  
Edward J. Radlo

Sir:

Applicants submit herewith patents, publications or other information [attached hereto  
and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they  
believe may be material to the examination of this application and in respect of which there may  
be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three  
months after the date of entry of the national stage of a PCT application as set  
forth in 37 CFR § 1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first  
Office Action on the merits, or before a first office action after filing a Request  
for Continued Examination under §1.114.

08/18/2005 EFLORES 00000033 10046496

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- (d) ☒ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified). A copy of the items on PTO-1449 (Modified) is supplied herewith, except for issued United States Patents and Published United States Patent Applications.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☐ not given
- (i) ☐ given for each listed item
- (j) ☒ given for only non-English language listed item(s). The von Babo reference enclosed herewith pertains to the infestation of computer files by viruses. The viruses can reside in data files and backups thereto.

- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.


Atty Docket No.: 44420423-5957

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement complies with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) to the credit card authorization enclosed herewith.

The Commissioner is hereby authorized to credit overpayments or to charge any deficiency in a required fee to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

date of signature: Aug. 15, 2005   
Edward J. Radlo  
Reg. No. 26,793  
Attorney of Record



Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

*(use as many sheets as necessary)*

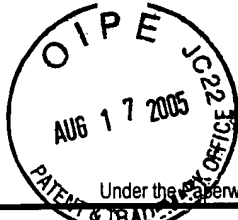
Sheet	1	of	3
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**Complete if Known**

<b>Application Number</b>	10/046,496
<b>Filing Date</b>	October 29, 2001
<b>First Named Inventor</b>	Carey Nachenberg
<b>Group Art Unit</b>	2137
<b>Examiner Name</b>	Jeffery L. Williams
<b>Attorney Docket Number</b>	44420423-5957

## U.S. PATENT DOCUMENTS

[illegible]



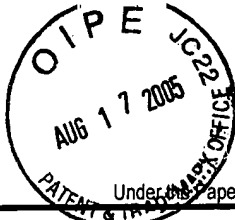
<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/046,496
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				Group Art Unit	2137
Examiner Name	Jeffery L. Williams				
Attorney Docket Number	44420423-5957				
Sheet	2	of	3		

OTHER ITEMS – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	CiteNo <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
		PARKHOUSE, Jayne, "Pelican SafeTNet 2.0", [online] June 2000, SC Magazine Product Review, [retrieved 12/1/2003] Retrieved from the Internet: <URL: <a href="http://www.scmagazine.com/scmagazine/standalone/pelican/sc_pelican.html">http://www.scmagazine.com/scmagazine/standalone/pelican/sc_pelican.html</a> >		
		SZOR, P. and Ferrie, P., "Hunting for Metamorphic", Virus Bulletin Conference, September 2001, Virus Bulletin Ltd., The Pentagon, Abingdon, Oxfordshire, England, pp. 123-143.		
		"News Release – Symantec Delivers Cutting-Edge Anti-Virus Technology with Striker32", October 1, 1999, 2 pages, [online]. Retrieved on November 11, 2003. Retrieved from the Internet:<URL: <a href="http://www.symantec.com/press/1999/n991001.html">http://www.symantec.com/press/1999/n991001.html</a> >. Author unknown.		
		SZOR, P. and Ferrie, P., "Attacks on Win32", Virus Bulletin Conference, October 1998, Virus Bulletin Ltd., The Pentagon, Abingdon, Oxfordshire, England, pp. 57-84.		
		SZOR, P. and Ferrie, P., "Attacks on Win32-Part II", Virus Bulletin Conference, September 2000, Virus Bulletin Ltd., The Pentagon, Abingdon, Oxfordshire, England, pp. 47-68.		
		VON BABO, Michael, "Zehn Mythen um Computerviren: Dichtung und Wahrheit über den Schrecken des Informatikzeitalters," Technische Rundschau, Hallwag, Bern, Switzerland, Vol. 84, No. 36. September 4, 1992, pp. 44-47.		
		DELIO, M., "Virus Throttle a Hopeful Defense", Wired News, Dec. 9, 2002, retrieved from Internet <a href="http://www.wired.com/news/print/0,1294,56753,00.html">http://www.wired.com/news/print/0,1294,56753,00.html</a> [retrieved February 3, 2005].		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Group Art Unit	2137		
		Examiner Name	Jeffery L. Williams		
Sheet	3	of	3	Attorney Docket Number	44420423-5957

		"System File Protection and Windows ME", [online], last updated December 4, 2001, [retrieved on 4/9/2002] Retrieved from the Internet: <URL: <a href="http://www.microsoft.com/hwdev/archive/sfp/WinME_sfpP.asp">http://www.microsoft.com/hwdev/archive/sfp/WinME_sfpP.asp</a> >.	
		"Description of the Windows 2000 Windows File Protection Feature (Q222193)", [online], first published May 26, 1999, last modified January 12, 2002 [retrieved on 4/9/2002] Retrieved from the Internet <URL: <a href="http://support.microsoft.com/default.aspx?scid=kb;EN-US;q222193">http://support.microsoft.com/default.aspx?scid=kb;EN-US;q222193</a> >.	
		"Software: Windows ME; Windows ME and System File Protection...", [online] last updated March 11, 2002 [retrieved on 4/9/2002] Retrieved from the Internet: <URL: <a href="http://www.wackyb.co.nz/mesfp.html">http://www.wackyb.co.nz/mesfp.html</a> >.	
		SZOR, P., "Memory Scanning Under Windows NT", Virus Bulletin Conference, September 1999, Virus Bulletin Ltd., The Pentagon, Abingdon, Oxfordshire, England, pp. 1-22.	

Examiner Signature		Date Considered	
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